

## SECTION 362 INFORMATION COVER SHEET

DEBTOR: Tachara HughesBANKRUPTCY NO. 11-20851-mknMOVANT: U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation TrustCHAPTER: 13

### Certification of Attempt to Resolve the Matter Without Court Action:

Moving counsel hereby certifies that pursuant to the requirement of LR 4001(a)(2), the subject property has been identified as being surrendered in the plan and/or schedules, or an attempt has been made to resolve the matter without court action, but movant has been unable to do so.

Date: 2/23/2015Signature: /s/ Sherry A. Moore, Esq. Attorney for MovantPROPERTY INVOLVED IN THIS MOTION: 1920 Bayhurst Ave, North Las Vegas, NV 89031-0750NOTICE SERVED ON: Debtor: Tachara Hughes; Debtor's counsel, Rory J. Vohwinkel; Trustee, Rick A. Yarnall.

DATE OF SERVICE:

<u>MOVING PARTY'S CONTENTIONS:</u>			<u>DEBTOR'S CONTENTIONS:</u>	
The EXTENT and PRIORITY OF LIENS:			The EXTENT and PRIORITY OF LIENS:	
1 <sup>st</sup> U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust	\$	225,425.89	1 <sup>st</sup>	Other Total Encumbrances:
2 <sup>nd</sup> BAC Home Loans Servicing	\$	9,108.00	2 <sup>nd</sup>	
3 <sup>rd</sup>	\$		3 <sup>rd</sup>	
4 <sup>th</sup>	\$			
Total Encumbrances:	\$	234,533.89	APPRaisal or OPINION as to VALUE:	
APPRaisal or OPINION as to VALUE:	\$	110,000.00		
<u>TERMS OF MOVANT'S CONTRACT with the DEBTOR</u>			<u>OFFER OF "ADEQUATE PROTECTION" for MOVANT:</u>	
Amount of Note: \$192,850.00 Interest Rate: 6.25% Duration: 30 Years Payment per month: \$1,349.92 Date of Post-Petition Default: 05/01/12 Amount Post-Petition Arrears: \$49,144.08 Recording NOD: NOS SPECIAL CIRCUMSTANCES: The debtor has failed to make post-petition payments. <i>In re Ellis</i> , 60 B.R. 432 (9 <sup>th</sup> Cir. BAP 1985).  Submitted by: Sherry A. Moore  Signature: <u>/s/ Sherry A. Moore</u>			SPECIAL CIRCUMSTANCES:     Submitted by:  Signature:	

INSTRUCTIONS  
for Section 362 Cover Sheet

To expedite the hearing of Section 362 motions for relief from the automatic stay, the moving party shall complete and file with the motion a copy of this Cover Sheet. The Cover Sheet requires a statement of the nature and extent of the liens on the Debtor's property at issue. The movant must show at least the status of the issue. The movant must show at least the status of the movant's lien and any senior liens. At the Court's discretion, the motion may be denied if this exhibit has not been completed and filed, unless the information is not applicable (such as for motions to lift stay to allow pending litigation to proceed).

This Cover Sheet shall be attached to the front of the motion and a copy served on the debtor. The debtor shall indicate disagreement on the right of the Cover Sheet. The debtor shall file the completed Cover Sheet to the Debtor's formal response or opposition to the motion.

Special circumstances that would compel the granting or denial of the requested relief shall be set forth briefly on the bottom of this Cover Sheet and shall be explained more fully in the motion or response.

NOTICING REQUIREMENTS

The Court will not hear motions not properly noticed. Unless the Court otherwise orders, twenty-eight (28) days notice of all motions for relief from the automatic stay must be served on the Debtor, the Debtor's attorney and, where applicable, the Chapter 7 trustee, the Chapter 13 standing trustee, or the Chapter 11 trustee. See Bankruptcy Rules 4001, 9014, and 7004, and the Local Rules of Practice for the District of Nevada, LR 4001, and LR 9013.

Kristin A. Schuler-Hintz, Esq., SBN 7171  
 Sherry A. Moore, Esq., SBN 11215  
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 Las Vegas, NV 89117  
 Phone (702) 685-0329  
 Fax (866) 339-5691  
 NVBK@McCarthyHolthus.com

E-filed: 2/23/2015

Attorney for Secured Creditor, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust, its assignees and/or successors, by and through its servicing agent Caliber Home Loans, Inc.

UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA

In re:	) Case No. 11-20851-MKN
	)
Tachara Hughes,	) Chapter 13
	)
Debtor.	) <b>U.S. BANK TRUST, N.A., AS TRUSTEE</b>
	) <b>FOR LSF9 MASTER PARTICIPATION</b>
	) <b>TRUST'S MOTION FOR RELIEF FROM</b>
	) <b>AUTOMATIC STAY</b>
	)
	) HEARING:
	) DATE: 4/02/15
	) TIME: 10:00 am
	) CTRM: 2
	) PLACE: 300 Las Vegas Boulevard South,
	) Las Vegas, NV 89101

**U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust**, (“Secured Creditor” herein), moves this Court for an Order Terminating the Automatic Stay of 11 U.S.C. § 362 as to moving party (and the Trustee under the Deed of Trust securing moving party’s claim) so that moving party and its Trustee may, enforce its rights under applicable state law, or at its election, seek to modify the loan, relative to the Note and Deed of Trust secured by the Debtor's property, commonly known as 1920 Bayhurst Ave, North Las Vegas, NV 89031-0750 (“Property” herein).

Secured Creditor is the holder of a Promissory Note dated 04/29/2008, in the principal amount of \$192,850.00, which is secured by the Deed of Trust of the same date, and recorded in the Official Records of Clark County, Nevada on 05/01/2008 (see **Exhibit "1"** which is an imaged file copy of the promissory note made at/near the time of loan origination).

The Debtor filed the subject bankruptcy petition on 07/08/2011.

Pursuant to the terms of the Deed of Trust, a payment received is applied to the account and credited to the next due payment. For example, a payment received in December will be applied to the November payment if no payment had been received in November.

With respect to Secured Creditor's Deed of Trust, the following is now due:

**Total Due**

Unpaid Principal Balance:	\$	183,159.10
Accrued Interest as of 02/09/2015:	\$	33,639.15
Escrow Advances as of 02/09/2015:	\$	7,601.64

**DELINQUENCIES:**

Monthly Payments:	4	at	\$1,407.65	\$	5,630.60
(05/01/12 through 08/01/12)					

Monthly Payments:	12	at	\$1,435.26	\$	17,223.12
(09/01/12 through 08/01/13)					

Monthly Payments:	1	at	\$1,420.97	\$	1,420.97
(09/01/13)					

Monthly Payments:	12	at	\$1,443.62	\$	17,323.44
(10/01/13 through 09/01/14)					

Monthly Payments:	5	at	\$1,349.92	\$	6,749.60
(10/01/14 through 02/01/15)					

Suspense:	\$	(229.65)
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Bankruptcy Attorney Fee:	\$	850.00
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Bankruptcy Filing Fee:	\$	176.00
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<b>Total Delinquencies:</b>	<b>\$</b>	<b>49,144.08<sup>1</sup></b>
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<b>Total Due to Secured Creditor:</b>	<b>\$</b>	<b>225,425.89</b>
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The sums set forth in this document do not include all late charges, escrow advances, attorneys' fees, costs or other fees and charges that might otherwise be included in the event that a payoff is requested or provided.

<sup>1</sup> This is not a post-petition reinstatement quote and may not include any additional advances or costs having been incurred, paid or coming due since filing the instant motion.

1 The next scheduled monthly payment of \$1,349.92 is due 03/01/2015, and continuing  
 2 each month thereafter. However, this amount may be subject to change pursuant to the terms of  
 3 the applicable loan documents. Late charges will accrue if payment is not received by the 15<sup>th</sup>  
 4 of the month.

5 No foreclosure action has been commenced as of this date against the property.

6 In accordance with Local Rule 4001(a)(2), on 02/17/2015, Secured Creditor sent a Meet  
 7 and Confer letter to the parties of interest herein in an attempt to communicate in good faith  
 8 regarding resolution of the instant motion. To date, Secured Creditor has been unable to resolve  
 9 this matter and as a result, brings this motion. See **Exhibit "2"**.

10 WHEREFORE, Secured Creditor prays for judgment as follows:

- 11 1. For an Order granting relief from the automatic stay, permitting Secured Creditor to  
 12 pursue their rights under applicable State and Federal Law to recover the property or  
 13 to modify the loan.
- 14 2. For an Order permitting Movant, at its option, to offer, provide and enter into a  
 15 potential forbearance agreement, loan modification, refinance agreement or other  
 16 loan workout/loss mitigation agreement as allowed by state law, said agreement  
 17 would be non-recourse unless included in a reaffirmation agreement, and permitting  
 18 Movant to contact the Debtor via telephone or written correspondence to offer such  
 19 an agreement.
- 20 3. For an Order for the immediate pre-confirmation distribution and accounting of any  
 21 funds being held as adequate protection for Secured Creditor.
- 22 4. For an Order that the 14-day stay described by Bankruptcy Rule 4001(a)(3) be  
 23 waived.

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- 1 5. For an Order modifying the automatic stay to protect Secured Creditor's interest, as
- 2 the Court deems proper.
- 3 6. For attorneys' fees and costs incurred herein.
- 4 7. For such other relief as the Court deems proper.
- 5

6 Dated: February 23, 2015

McCarthy & Holthus, LLP

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8  
9 By: /s/ Sherry A. Moore

Sherry A. Moore, Esq.

Kristin A. Schuler-Hintz, Esq.

Attorney for Secured Creditor

U.S. Bank Trust, N.A., as Trustee for LSF9 Master  
Participation Trust, its assignees and/or successors,  
by and through its servicing agent Caliber Home  
Loans, Inc.

Kristin A. Schuler-Hintz, Esq., Nevada SBN 7171  
Sherry A. Moore, Esq., Nevada SBN 11215  
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NVBK@McCarthyHolthus.com

Attorney for: Secured Creditor, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	) Case No.: 11-20851-mkn
	)
Tachara Hughes,	) Chapter 13
	)
Debtor.	) DATE: 4/02/15
	) TIME: 10:00 am
	)
	) <b>ORDER TERMINATING</b>
	) <b>AUTOMATIC STAY</b>
	)

The Motion for Relief From Automatic Stay came on regularly for hearing at the date and time set forth above before the United States Bankruptcy Court. Upon review of the Motion and supporting evidence, and good cause appearing, the Court rules as follows:

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the automatic stay  
2 provisions of 11 U.S.C. §362 be and are hereby terminated with respect to the interests of  
3 Movant in the real property commonly known as 1920 Bayhurst Ave, North Las Vegas, NV  
4 89031-0750.

5 IT IS FURTHER ORDERED that Movant may proceed with post-foreclosure remedies, including any  
6 unlawful detainer action, in compliance with applicable law.

7  
8 IT IS SO ORDERED.

9  
10 Submitted by:  
11 McCarthy & Holthus, LLP

12  
13 \_\_\_\_\_  
14 Sherry A. Moore, Esq.  
15 Kristin A. Schuler-Hintz, Esq.  
16 9510 West Sahara Avenue, Suite 200  
17 Las Vegas, NV 89117  
18 (702) 685-0329

19 Approved/Disapproved

20  
21 \_\_\_\_\_  
22 Rory J. Vohwinkel, Esq.  
23 4000 S Eastern Ave #200  
24 Las Vegas, NV 89119  
25 (702) 735-1500

26 Approved/Disapproved

27  
28 \_\_\_\_\_  
29 Rick A. Yarnall  
701 Bridger Ave., #820  
Las Vegas, NV 89101

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: Rory J. Vohwinkel

Unrepresented parties appearing: None

Trustee: No Appearance at Hearing; No additional Service required.

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

Submitted by:  
McCarthy & Holthus, LLP

/s/ Sherry A. Moore  
Sherry A. Moore, Esq.  
Kristin A. Schuler-Hintz, Esq.

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Attorney for: Secured Creditor, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re: ) Case No.: 11-20851-mkn  
)  
Tachara Hughes, ) Chapter 13  
)  
Debtor. ) DATE: 4/02/15  
) TIME: 10:00 am  
)  
) **CERTIFICATE OF SERVICE OF**  
) ***PROPOSED ORDER TERMINATING***  
) **AUTOMATIC STAY**  
)

On 2/23/2015, I served the foregoing documents described as ***PROPOSED ORDER TERMINATING AUTOMATIC STAY*** on the following individuals by electronic means through the Court's ECF program:

COUNSEL FOR DEBTOR  
Rory J. Vohwinkel  
bknotices@vohwinkellaw.com

TRUSTEE  
Rick A. Yarnall  
ecfmail@LasVegas13.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Bogdan Radulescu

Bogdan Radulescu

On 2/23/2015, I served the foregoing documents described as **PROPOSED ORDER TERMINATING AUTOMATIC STAY** on the following individuals by depositing true copies thereof in the United States first class mail at San Diego, California, enclosed in a sealed envelope, with postage paid, addressed as follows:

**DEBTOR**

Tachara Hughes  
1920 Bayhurst Avenue  
North Las Vegas, NV 89031

**SPECIAL NOTICE**

Bank of America  
Attn: Managing Agent  
212 S. Jones Blvd  
Las Vegas, NV 89107

Bank of America, N.A.  
c/o Prober & Raphael, A Law Corporation  
Attn: Managing Agent  
20750 Ventura Blvd, Suite 100  
Woodland Hills,, CA 91364

Bank of America, N.A.  
Miles, Bauer, Bergstrom & Winters, LLP  
Attn: Managing Agent  
2200 Paseo Verde Pkwy., Suite 250  
Henderson, NV 89052

Portfolio Investments I LLC  
c/o Recovery Management Systems Corp.  
Attn: Ramesh Singh  
25 SE 2nd Avenue, Suite 1120  
Miami, FL 33131

**OTHER LIEN HOLDERS**

Bac Home Loans  
450 American St # SV 416  
Simi Valley, CA 93065

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Christian Aguilar  
Christian Aguilar